

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

3486-024 DIV III

First named inventor: **HOCHMAN, Mark N**Group Art Unit: **3763**Application Number: **09/767,027**Examiner: **To Be Assigned**Filed: **January 22, 2001**Title: **DRUG DELIVERY SYSTEM WITH PROFILES****FAX RECEIVED****NOV 13 2001**
 Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231
PETITIONS OFFICE

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☒ small entity - fee \$ 557 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in**

the form of Response to Notice to File Missing Parts (identify the type of reply):

- ☒ has been filed previously on June 20, 2001
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

BEST AVAILABLE COPY

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 13, 2001

Date

Telephone

Number: (212 684 3900)

Signature

WEISZ, Tiberiu Reg No 29,876

Typed or printed name

GOTTLIEB, RACKMAN & REISMAN, P.C.270 MADISON AVENUENEW YORK, NEW YORK 10018-0601Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☐ _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

November 13, 2001

Date

Signature

WEISZ, Tiberiu Reg No 29,876

Typed or printed name of person signing certificate

PTO/SB/81 (10-00)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

November 13, 2001

Date


SignatureWEISZ, Tiberiu Reg No 29,876

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Upon telephoning the USPTO OIPE Division on November 13, 2001 regarding the status of issuance of the Official Filing Receipt in the subject patent application, it was learned that this matter had inadvertently lapsed.

The USPTO had issued a *Notice to File Missing Parts* dated March 26, 2001 having set a due date of May 26, 2001 to which applicant submitted a response on April 6, 2001. Thereafter, the USPTO mailed to applicant a *Second Notice to File Missing Parts* dated May 21, 2001 to which applicant submitted a response on June 20, 2001 having authorized the Commissioner to charge any outstanding fees to Deposit Account 07-1730. Inadvertently, such fees had not been charged as authorized.

(Please attach additional sheets if additional space is necessary)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE : 12-4-01
TO : DIRECTOR, OIPE
VIA : _____
FROM : OFFICE OF PETITIONS
SERIAL NO : 09/767,027

<input type="checkbox"/>	<p>Please consider Paper No. _____ to see if the proposed response would place this application in condition for allowance in the event it is revived.</p> <p><u>If the response would place the application in condition for allowance, write in the margin of the response "Ok to enter upon revival."</u></p> <p><u>If the response would not place the application in condition for allowance, complete Form PTOL-303, but do not mail the form to the applicant.</u></p> <p><u>PLEASE HAND CARRY THE FILE TO FOUR CRYSTAL PLAZA, SUITE 3023 WITHIN ONE WEEK OF THE ABOVE DATE.</u></p>
<input checked="" type="checkbox"/>	<p>Please consider Paper No. <u>6</u> as a Petition to Withdraw the Holding of Abandonment in view of the statements presented by petitioner that a response was timely filed. If the request is granted, the petition fee should be refunded to petitioner. If the request is not granted, please forward the application to the Office of Petitions, Crystal Plaza Four, Suite 3023 for consideration of the alternative Petition to Revive.</p>

D. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects